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APPLICATION NO:	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,238	09/15/1999	YUSUKE NAKAZAWA	JG-NG-4893	7148

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EXAMINER

FUNK, STEPHEN R

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 09/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding

# Office Action Summary

Application No.

09/396,238

Applicant(s)

Nakazawa et al.

Examiner

Stephen Funk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 6, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 2, and 4-17 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 4-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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Claims 1, 2, and 4 - 17 are objected to under 37 C.F.R. 1.75(a) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 lines 6 - 8 "using a device for fixing the image" and "fixing the oil-based ink image by heating" would appear to be repetitive.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 5 - 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (JP 10-204,355) in view of Ishii et al. (JP 10-203,039) and Love, III (US 4,718,340). Kato et al. teach the method as recited with possible exception of the hydrophilic layer and imaging the printing plate in press. Note, for example, the English Abstract and Figures 1 - 3 of Kato et al. With respect to the electroscopic particles see paragraphs [0014] and [0059] - [0061] and claim 2 of Kato et al. With respect to fixing the image by heat see paragraph [0099] of Kato et al. Kato et al. appear to teach having to desensitize the image receiving layer to impart hydrophilicity. Ishii et al. teach the conventionality of either providing a hydrophilic layer or, if necessary, desensitizing the image receiving layer to impart greater hydrophilicity. See pages 26 - 27 in applicant's substitute specification. Love teaches

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bridging columns 11 and 12, and column 21 lines 13 - 37 of Love, for example. It would have been obvious to one of ordinary skill in the art to provide the method of Kato et al. with a hydrophilic image receiving layer in view of Ishii et al. to forego the desensitizing step and imaging the plate in press in view of Love to achieve the many benefits of directly imaging the plate in press. With respect to claim 7 it would have been obvious to one of ordinary skill in the art to provide the method of Kato et al. with a full line head as disclosed by Love to achieve faster imaging of the plate.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. in view of Ishii et al. and Love as applied to claims 1, 2, and 5 - 7 above, and further in view of Masaaki (JP 58-147,373). Masaaki teaches the conventionality of a means for removing dust from a recording medium before imaging. It would have been obvious to one of ordinary skill in the art to provide the method of Kato et al., as modified by Ishii et al. and Love, with the step of removing dust before imaging in view of Masaaki so as to prevent dust from interfering with the deposition of ink onto the plate.

Claims 8 - 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. in view of Ishii et al. and Love as applied to claims 1, 2, and 5 - 7 above, and further in view of Arway et al. (US 4,555,712). Arway et al. teach the conventionality of a means (22) for supplying ink, means (26) for recovering ink, means (40) for controlling the temperature of ink, and means (44) for controlling a concentration of ink for an ink jet print head. See

Figure 1 of Arway et al. for example. Arway et al. does not teach means for stirring ink

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inside the ink tank but such is widely conventional in the art. It would have been obvious to one of ordinary skill in the art to provide the method of Kato et al., as modified by Ishii et al. and Love, with various means for controlling the ink inside the tank in view of Arway et al. so as to provide ink to the head in an optimum condition.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. in view of Ishii et al. and Love as applied to claims 1, 2, and 5 - 7 above, and further in view of Ikkatai (US 5,363,132). Ikkatai teaches the desirability of means for moving the head near or away from a recording medium. See columns 1 and 2 of Ikkatai, for example. It would have been obvious to one of ordinary skill in the art to provide the method of Kato et al., as modified by Ishii et al. and Love, with the step of moving the head near or away in view of Ikkatai so as to protect the head from contaminants when not imaging.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. in view of Ishii et al. and Love as applied to claims 1, 2, and 5 - 7 above, and further in view of Gasparrini (US 5,322,015). Gasparrini teaches the desirability of removing dust during printing. See the paragraph bridging columns 5 and 6 of Gasparrini, for example. It would have been obvious to one of ordinary skill in the art to provide the method of Kato et al., as modified by Ishii et al. and Love, with the step of removing dust during printing in view of Gasparrini so as to reduce contamination of the printing cylinders.

Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. in view of Love as applied to claims 1, 2, and 5 - 7 above, and further in view of Miura

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et al. (US 5,988,782). Miura et al. teach the conventionality of stirring the ink within a tank and cleaning the ink jet head. See the Abstract and column 17 line 1 of Miura et al., for example. Note also paragraph [0107] of Kato et al. It would have been obvious to one of ordinary skill in the art to provide the method of Kato et al., as modified by Ishii et al. and Love, with a means for stirring the ink and means for cleaning the head in view of Miura et al. so as to provide a consistent ink composition to the head and remove contaminants from the head.

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Funk at telephone number (703) 308-0982. The examiner can normally be reached Monday - Friday, except Wednesdays, from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached at (703) 305-6619.

The fax number for *official* papers is (703) 308-7722, 7724. The fax number for those wishing an auto-reply verifying receipt of *official* papers is (703) 872-9318 or for After-Final actions is (703) 872-9319. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at telephone number (703) 308-0956.

Stephen Funk  
September 13, 2002



STEPHEN R. FUNK  
PRIMARY EXAMINER